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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,301	10/11/2001	Steve Grove	3801.P053	1851

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EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/976,301

Applicant(s)

GROVE, STEVE

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/08/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Claims 1 – 44 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 3, 5, 6, 9 – 14, 16, 17, 20 – 25, 27, 28, 31 – 36, 38, 39 and 42 – 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Nosohara U.S. Patent No. 6571241.

4. Referencing claim 1, as closely interpreted by the Examiner, Nosohara teaches a method to facilitate translation of communications between entities over a network, said method comprising:

5. communicating a plurality of predetermined language constructs to a first entity as a first transmission over said network, (e.g. col. 7, lines 19 – 32);

6. responsive to selection by said first entity of a language construct of said plurality of predetermined language constructs, identifying a translated language construct corresponding to said selected language construct, (e.g. col. 7, lines 33 – 37); and

7. communicating said translated language construct to a second entity as a second transmission over said network, (e.g. col. 11, lines 42 – 57).

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8. Referencing claim 2, as closely interpreted by the Examiner, Nosohara teaches communicating a plurality of interactive fields to said second entity in said second transmission to allow said second entity to interact with at least one interactive field of said plurality of interactive fields in response to said translated language construct, (e.g. col. 2, lines 44 – 57).
9. Referencing claim 3, as closely interpreted by the Examiner, Nosohara teaches retrieving entity information relating to said second entity based on an identifier of said second entity selected by said first entity, (e.g. col. 2, lines 44 – 57); and
10. retrieving said translated language construct from a table based on said entity information and said selected language construct, (e.g. col. 2, lines 44 – 57).
11. Referencing claim 5, as closely interpreted by the Examiner, Nosohara teaches said selected language construct is a predetermined question to be asked by said first entity in an electronic commerce transaction over said network, (e.g. col. 8, lines 37 – 60, “*Simple Search, Expert Search, Japanese, English*”).
12. Referencing claim 6, as closely interpreted by the Examiner, Nosohara teaches said first transmission is a Hyper Text Markup Language (HTTP) message, (e.g. col. 8, lines 8 – 16).
13. Referencing claim 9, as closely interpreted by the Examiner, Nosohara teaches said translated language construct is generated and stored, and said correspondence to said selected

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language construct is defined, prior to communication of said plurality of language constructs to said first entity as said first transmission, (e.g. col. 5, lines 35 – 48 & col. 17, lines 20 – 33).

14. Referencing claim 10, as closely interpreted by the Examiner, Nosohara teaches at a network-based transaction facility, storing said plurality of predetermined language constructs and an associated plurality of translated language constructs so as to define a correspondence between each language construct of said plurality of predetermined language constructs and at least one associated translated language construct of said plurality of translated language constructs, (e.g. col. 5, lines 35 – 48).

15. Referencing claim 11, as closely interpreted by the Examiner, Nosohara teaches said storing is so as to define a correspondence between a set of said plurality of translated language constructs, each translated language construct of said set comprising a predetermined translation of a common underlying language construct, (e.g. col. 5, lines 35 – 48 & col. 17, lines 20 – 33).

16. Claims 12 – 14, 16, 17, 20 – 25, 27, 28, 31 – 36, 38, 39 and 42 – 44 are rejected for similar reasons as stated above.

### ***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 4, 7, 8, 15, 18, 19, 26, 29, 30, 37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nosohara (6571241) in view of Christy (6301554).

19. As to claim 4, as closely interpreted by the Examiner, Nosohara does not specifically teach said entity information further comprises a language preference of said second entity. Christy teaches said entity information further comprises a language preference of said second entity, (e.g. col. 2, line 47 – col. 3, line 3, “...*invention receive the message translated into their native languages, and their responses are automatically translated into the original sender's language upon their arrival...*”). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with Nosohara because it would be more convenient for the user to only be exposed to his or her native language and not have to be bothered with miss interpreting languages they would have a minimal or no understanding of.

20. As to claim 7, as closely interpreted by the Examiner, Nosohara does not specifically teach said second transmission is an electronic mail message. Christy teaches said second transmission is an electronic mail message, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with Nosohara because of similar reasons stated above, also utilizing email gives users the ability to communicate with other users across a network.

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21. As to claim 8, as closely interpreted by the Examiner, Nosohara does not specifically teach said identifier of said second entity is an electronic mail address of said second entity. Christy teaches said identifier of said second entity is an electronic mail address of said second entity, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with Nosohara because of similar reasons stated above. Furthermore, in an email system, in order to send a message, one must have a type of identifier, “an address”, or the email cannot be sent.

22. Claims 15, 18, 19, 26, 29, 30, 37, 40 and 41 are rejected for similar reasons as stated above.

#### *Response to Arguments*

23. Applicant's arguments filed 04/08/2005 have been fully considered but they are not persuasive.

24. In the Remarks, Applicant argues in substance that Nosohara does not describe communicating a translated language construct to a second entity; but rather, replacing input with a corresponding Japanese word to search a database. Applicant also states that this is not communicating and Nosohara describes transmitting to a client terminal; however, a search result is transmitted to the client computer and not a translated language construct. In addition the same client terminal that is described as receiving the search result is also described as transmitting the above described “input”. Accordingly, the client terminal cannot be a second

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entity that receives a translated language construct that corresponds to a language construct selected by a first entity, as required by claim 1, because the client terminal cannot be both a first entity and a second entity.

25. As to part 1, Examiner would like to draw the Applicant's attention to the drawings of Nosohara. In which one can see in Figure 1, a plurality of client terminals 101, a network 102 and an Information Search Apparatus 103. One can interpret the Information Search Apparatus 103 as a first entity and the client terminals 101 as a second entity. Furthermore, Applicant does not specifically distinguish what the first and second entity could be. Also, in the claim language the Applicant does not describe what a language construct is or could be. Applicant states in the specification that a language constructs can be, "sentences, phrases, questions, or any other known type of language constructs". This leaves the claim language broad in interpretation. This also can be interpreted as grouping word that does not have to have a specific order, such as a search. It is also improper to define a term while using the term in its own definition. If the Applicant were to look at columns 13 and 14, they would see that the system converts English to Japanese and vice versa, (e.g., col. 14, lines 30 et seq. "*Translation*"). Applicant is also reminded when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion



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of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

26. In the Remarks, Applicant argues in substance that dependent claims are deemed to include all limitations of claims from which they depend the above remarks are accordingly also applicable to a consideration of these dependent claims and are therefore be considered allowable.

27. As to part 2, Applicant is asked to apply the response to Remarks made above to this response, for it holds the same weight.

### ***Conclusion***

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912.

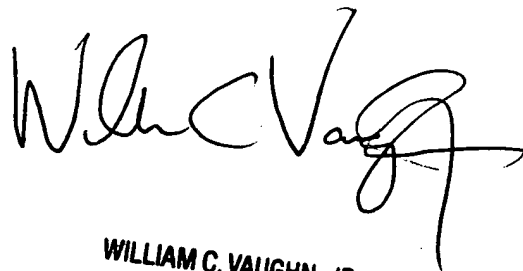
The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England  
Examiner  
Art Unit 2143

De



**WILLIAM C. VAUGHN, JR.**  
**PRIMARY EXAMINER**